

Notice of Allowability

Application No.

10/691,679

Applicant(s)

RAS ET AL.

Examiner

A. Dexter Tugbang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final amendment filed on December 17, 2007.
2. ☒ The allowed claim(s) is/are 34 and 36-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. The applicant(s) After Final response filed on December 17, 2007 has been fully considered, entered and made of record.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

NOTE: The following changes are necessary to correct informalities of grammar. In now way do the changes affect the scope of the claimed invention.

In Claim 34, the phrase of "the first restrained permanent" (line 19) has been replaced with --the restrained first permanent--.

In Claim 36, the phrase of "a plurality" (line 2) has been changed to --the plurality--.

In Claim 37, the phrase of "the magnetic orientations" (lines 1-2) has been changed to --the first magnetic orientation--; and the phrase of --magnetic orientation of the-- has been added before "one" (line 2).

In Claim 38, the phrase of "the magnetic orientations" (line 3) has been changed to --the first magnetic orientation--; and the phrase of --magnetic orientation of the-- has been added before "one" (line 2).

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: the prior art does not teach ALL of the limitations of the claimed invention including further restraining the first restrained permanent magnet block in the position, including deforming the nonmagnetic frame (as recited in Claim 34).

The applicant(s) remarks (pages 4-6 in the response filed on December 17, 2007) have been fully incorporated by reference herein. Additionally, the examiner has the following comments.

Currently in Claim 34, the limitations of "mechanically...magnet blocks" (lines 2-18) were encompassed by Claims 32 and 33 in the amendment filed on August 6, 2007. These limitations were met by Aoki et al as duly noted in the Final Rejection (mailed on October 18, 2007). However, the prior art does not teach in combination, further restraining the first restrained permanent magnet block in the position, including deforming the nonmagnetic frame (lines 19-20 of current Claim 34).

The reference cited to Korb (U.S. Patent 2,855,639) does teach mechanically restraining a first permanent magnetic block (25) from moving in a first direction using a nonmagnetic frame (gasket 21) where the nonmagnetic frame is deformed (see Fig. 2a). However, Korb does not teach moving the restrained first permanent magnetic block with respect to a restrained plurality of permanent magnet blocks in a third direction (not parallel to a plane defined by the first and second directions). Korb furthermore does not teach subsequently further restraining the first permanent magnet block in a position proximate to the restrained plurality of permanent magnet blocks by then deforming the nonmagnetic frame.

Moreover, it would not be obvious to one of ordinary skill in the art to modify Aoki by deforming the nonmagnetic frame 24 of Aoki because to do so would completely destroy the structure, and the invention of Aoki.

Accordingly, Claims 34 and 36 through 38 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729**

January 14, 2008